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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,656	12/05/2003	Max Huang	112.P77188	2807
43831 7590 05/16/2007 BERKELEY LAW & TECHNOLOGY GROUP, LLP 17933 NW Evergreen Parkway, Suite 250 BEAVERTON, OR 97006			EXAMINER HSU, AMY R	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,656

Applicant(s)

HUANG ET AL.

Examiner

Amy Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. . The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-12, 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fellegara et al. (US 6441854).

Regarding Claim 1, Fellegara teaches a view-finding method of an image-capturing apparatus (*Col 4 Lines 29-31 discloses a view finder on an image capturing apparatus accommodating various aspect ratios, and the disclosure of Fellegara teaches functions and operations of the above apparatus and thereby teaches the method or way of controlling the viewfinder*), comprising steps of: selecting a desired one from a plurality of predetermined aspect ratios (*Col 15 Lines 53-61*); and showing an image frame to be taken by said image-capturing apparatus (*Col 15 Lines 61-66 describes how before the image is captured, the digital image is displayed*) and marking on said image frame according to said selected aspect ratio to distinguish a desired frame portion from the other frame portion (*Col 15 Line 66 through Col 16 Line 3*).

Regarding Claim 2, Fellegara teaches the method according to claim 1 wherein said step of selecting said desired aspect ratio is performed by the user via an input interface (*Col 15 Lines 53-54 and Fig. 12 reference number 208 shows the input interface where desired aspect ratio is selected*).

Regarding Claim 3, Fellegara teaches the method according to claim 2 wherein said input interface is a button (*each triangle on the right of the text on Fig. 12 reference number 208 is a button, or a well-defined area within the graphical user interface that is selected to select a command*). Claim 11 is rejected under the same rationale.

Regarding Claim 4, Fellegara teaches the method according to claim 1 wherein said image-capturing apparatus is a digital still camera or a digital video camera for obtaining a digital data file of said image frame (*Col 1 Line 66 through Col 2 Line 1*). Claims 15 and 18 are rejected under the same rationale.

Regarding Claim 5, Fellegara teaches the method according to claim 4 wherein digital information associated with said selected aspect ratio is recorded into said digital data file (*after selecting the aspect ratio in Col 6 Lines 8-9, the associated digital information is recorded to a data file in Col 16 Lines 14-26*) to be outputted to a display (*Col 17 Lines 23-24*) or a printer (*Col 20 Lines 6-7*).

Regarding Claim 7, Fellegara teaches the method according to claim 1 wherein said image frame is marked with segmental symbols to define said desired frame portion (*Col 4 Line 25 describes a segmented display to mask or mark the image frame*

on the viewfinder and Fig. 13D shows such segmented display). Claims 14 and 19 are rejected under the same rationale.

Regarding Claim 8, Fellegara teaches a view-finding device of an image-capturing apparatus (*Fig. 11*), comprising: an image display window showing an image frame to be taken by said image-capturing apparatus (*Fig. 11 reference number 202*); an input interface allowing a user to give a command therevia for designating an aspect ratio (*Fig. 12 reference number 208*); and a micro-controller in communication with said input interface (*Col 8 Line 66 through Col 9 Line 1*), having said image frame to be marked in a specific pattern in response to said command (*Fig. 12 shows the image frame, the outdoor scene picture between reference numbers 220, which is within the marked specific pattern corresponding to HDTV aspect ratio selected in this example*).

Regarding Claim 9, Fellegara teaches the view-finding device according to claim 8 further comprising a storage unit for storing a digital image data file of said image frame, which incorporates therein the information associated with said aspect ratio (*the paragraph regarding Claim 5 teaches that after the aspect ratio is selected, the image captured corresponding to the selected aspect ratio is recorded to a file. Fellegara also teaches the apparatus with means to store the digital files in Col 8 Line 44-45*).

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Regarding Claim 10, Fellegara teaches the view-finding device according to claim 9 wherein said storage unit is a flash memory (*Col 8 Lines 37-38*).

Regarding Claim 12, Fellegara teaches the view-finding device according to claim 8 wherein said image display window is a viewfinder or a liquid crystal display (*Col 4 Lines 25-26 disclose the viewfinder is the same as the LCD, which is Fig. 3 reference number 22, the image display window*). Claim 17 is rejected under the same rationale.

Regarding Claim 16, Fellegara teaches a view-finding device of an image-capturing apparatus, comprising an image display window showing an image frame to be taken by said image-capturing apparatus (*addressed previously*), wherein said image frame is marked thereon with plural sets of symbols to define a plurality of frame portions corresponding to a plurality of predetermined aspect ratios (*Fig. 13 shows the image frame marked with various sets of symbols to define frame portions corresponding to different aspect ratios as marked on the figure*).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al. (US 6441854) in view of Kobayashi et al. (US 7046286).

Regarding Claim 6, Fellegara teaches the method according to claim 1 wherein said image frame is marked by means of a mask (*Fig. 12 reference number 220*) with an area to show desired frame portion and an area to show undesired frame portion. Fellegara is silent on relative brightness or darkness of the masked and unmasked portions.

Kobayashi teaches a similar view finder apparatus on a display part accommodating various aspect ratios with relatively bright and relatively dark portions on the display to show desired frame portion and an undesired frame portion, respectively (*Fig. 19a*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the masked area taught by Fellegara with the teachings of Kobayashi to specifically use a relatively dark area to indicate the mask and relatively light portion to indicate unmasked portion because it would help the user to visualize how the selected aspect ratio affects the range and dimensions of the image to be captured. Claim 13 is rejected under the same rationale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Yasuda (US 6333761) teaches different aspect ratios such as wide TV and a display that changes selected portion accordingly with darkened area to show areas that are not displayed.

Worrell (US 6690425) teaches a user selects a predefined aspect ratio format of an image displayed on a screen where the monitor displays the ratio selected accordingly.

Fugimoto (US 5912710) teaches displaying graphics data having certain pixel aspect ratios.

Watanabe et al. (US 5298994) teaches in Fig. 1 different aspect ratios displayed on a monitor with darkened portions indicating not displayed areas.

Parulski et al. (US 6516154) and Malloy Desormeaux (US 6577821) teach selecting a frame within or around a captured image to change the aspect ratio, the display masks the not displayed area.

Brost (US 7006764) teaches a camera adjusts the aspect ratio of a viewfinder image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-270-3012.

The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu
Examiner
Art Unit 2609

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